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August 12, 1994

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VIA FAX (202) 632-0274

William F. Caton, Acting Secretary
Federal Communications Commission
Office of Engineering & Technology
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Ex Parte PR Docket No. 93-61

Dear Mr. Caton:

On August 4, 1994, Mr. Richard Engleman, Chief Technical Standards Branch, FCC Office of Engineering & Technology, contacted several parties to the above proceeding concerning an informal technical proposal developed by the Commission's staff. The proposal detailed several technical threshold suggestions which may permit the sharing of the 902-928 MHz band and Mr. Engleman requested comments on the proposal be submitted to the Commission by August 12, 1994.


As attorney for Axonn Corporation, I am forwarding herewith, and making a part hereof, Axonn Corporation's attached comments specifically addressing the proposal. I ask that these comments please be included in the record of the above proceeding.

We look forward to learning the Commission's position on this issue and hope that the Commission will protect the interests of the low power Part 15 industry.

Sincerely,

MICHAEL L. ECKSTEIN, ATTORNEY AT LAW
A PROFESSIONAL CORPORATION

By:


Michael L. Eckstein

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Axon Corporation wishes to provide the attached comments specifically addressing the proposal. We ask that these comments please be included in the record of the above proceeding.

- 1) LMS is a new service and as such, the LMS rules should be structured so LMS operations do not significantly impair existing Part 15 operations. Part 15 interests are not requesting any more prerogatives, only that they be allowed to operate and commercially exploit the technologies that they have spent millions of dollars to develop.
- 2) It should be deemed that Part 15 operations do not cause harmful interference to any AVM/LMS multilateration systems. The wideband LMS proponents are on record numerous times indicating that Part 15 harmful interference is minimal, at most. Therefore, there should be no concern about Part 15 operations causing harmful interference to multilateration systems.
- 3) No wideband AVM/LMS forward links should be permitted. A forward link is a just right to provide data services which are available through other means. Wideband forward links will certainly cause harmful interference to all users in the particular frequency band. This prohibition should not impact the functionality of

multilateration systems because the forward link is essentially a paging channel and it does not play a part in the actual location function. In fact, a good job of radio location can in fact be accomplished with far less bandwidth.

- 4) Narrowband AVM/LMS forward links should, at a minimum, be required to utilize the edges of the 902 to 928 MHz band allocation to avoid interference with the Part 15 users with the 1 watt restriction.
- 5) The "thresholds" suggested by the informal Commission proposal present the Commission with insurmountable administration and enforcement burdens, not to mention enormous cost. The problem facing the Commission would be how to identify the signal causing the alleged harmful interference to AVM/LMS operations when there are potentially hundreds of thousands of Part 15 devices operating in an area.
- 6) There should be no above ground height restrictions or thresholds on Part 15 outdoor antennas. Such restrictions are meaningless. These restrictions leave unanswered questions as to issues on antenna gain, fading and constructive interference. This outdoor antenna height limitation could have a devastating impact on many Part 15 services.

In sum, when the FCC granted frequency allocation under Part 15.126 for low power spread spectrum devices it encouraged small developing companies such as Axonn to take risks and to spend considerable dollars on development to exploit both an emerging technology and new marketplaces. The AVM/LMS lobby is endeavoring to create a defacto frequency allocation via usurpation by simply forcing the Part 15 developers out of the marketplace. It is inconceivable that this was the Commission's original intent. In fairness to both industries, one or the other ought to be granted its own allocation at another bandwidth location.

We shall look forward to learning the Commission's position on their conflict in the near future. We hope that the Commission will find a way to protect the interests of the low power Part 15 industry.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen N. Fant', with a stylized flourish at the end.

Stephen N. Fant
Vice President

SNF/ecp